

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|-------------------------------|
| IVAN CALHOUN |) | |
| |) | |
| v. |) | No. 1:12-CV-57/1:03-CR-178 |
| |) | Chief Judge Curtis L. Collier |
| UNITED STATES OF AMERICA |) | |

MEMORANDUM

Federal prisoner Ivan Calhoun (“Calhoun”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on July 6, 2007 (Court File No. 48).¹ The Court denied relief on May 13, 2010, finding Calhoun’s conviction and sentence are not in violation of the Constitution or laws of the United States. *Calhoun v. United States of America*, Civil Action No. 1:07-cv-161 (E.D. Tenn. 2010). (Court File Nos. 55 & 56). Calhoun has now filed a second § 2255 motion attacking the same conviction (Criminal Court File No. 57).

In accordance with the “Antiterrorism and Effective Death Penalty Act of 1996,” effective April 24, 1996, Hodge cannot file a second or successive § 2255 motion in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. This Court has not received an order from the Sixth Circuit authorizing the Court to consider the pending motion.

¹ Each document will be identified by the Court File Number assigned to it in the underlying criminal case.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

SO ORDERED.

ENTER.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE